

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AARON FICHTER, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; KIM QUICK, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; RON KAMINSKI, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; RON FUCINARO, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; JOSH RENDER, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; TIMOTHY MCCORMICK, Trustee of Contractors Laborers, Teamsters and Engineers Health & Welfare Plan and Trustee of Contractors Laborers, Teamsters and Engineers Pension Plan; INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 571, and LABORERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 1140,

Plaintiffs,

vs.

JUSTIN WIGGENS, doing business as WCT Midwest,

Defaulted Defendant.

8:23CV219

ORDER

This matter is before the Court on Plaintiffs' Motion for Hearing, [Filing No. 12](#). Plaintiffs indicate that the Defendant has now provided the payroll records necessary to

complete a payroll audit to determine the amount of contributions owed by the Defendant to the Plaintiff plans and which has now been completed by the Plaintiff Trust funds as ordered in the Default Judgment. (see [Filing No. 11](#))

Accordingly, IT IS ORDERED THAT:

1. Plaintiffs' Motion for Hearing, [Filing No. 12](#), is granted; and
2. An evidentiary hearing to determine the Plaintiffs' damages and to assess attorney's fees pursuant to 29 U.S.C. § 1132 is set for August 5, 2024, at 1:30 PM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Senior Judge Joseph F. Bataillon.

Dated this 27th day of June, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge